

**RE: Motion to dismiss the case****Barnes III, Attison** <ABarnes@wiley.law>

Mon 10/25/2021 2:55 PM

To: Sidney Gold &lt;sgold@discrimlaw.net&gt;; Seth Carson &lt;seth@dereksmithlaw.com&gt;

Seth –

What time are you free on Wednesday for a meet-and-confer on this issue? And in the interim, could you send the Rule 26 disclosures that the Defendant served in this case as well as the date you believe Defendant's disclosures were due? Thanks.



Attison L. Barnes, III  
Attorney at Law  
[abarnes@wiley.law](mailto:abarnes@wiley.law)

Wiley Rein LLP • 1776 K Street NW • Washington, DC 20006

o: 202.719.7385

[Download V-Card](#) | [wiley.law](http://wiley.law) | [Bio](#)

---

**From:** Seth Carson <seth@dereksmithlaw.com>**Sent:** Monday, October 25, 2021 1:48 PM**To:** Barnes III, Attison <ABarnes@wiley.law>; Sidney Gold <sgold@discrimlaw.net>**Subject:** Re: Motion to dismiss the case

**External Email**

---

I will take your refusal to respond and identify Plaintiff's rule 26 disclosures as confirmation that they do not exist.

To date plaintiff has not identified a single fact witness.

To date plaintiff has produced no documents subject to rule 26.

To date plaintiff never provided defendant with an accounting of damages.

According, I would ask that you withdraw this lawsuit as plaintiff cannot prosecute its case when plaintiff failed so completely to produce any information subject to rule 26.

Again, I ask that if rule 26 disclosures were made, to identify the same by confirming the date and time of the communication along with the actual disclosures.

Thank you for your attention to this matter.

Get [Outlook for iOS](#)

---

**From:** Seth Carson**Sent:** Friday, October 22, 2021 5:02:32 PM**To:** Attison Barnes III <ABarnes@wileyrein.com>; Sidney Gold <sgold@discrimlaw.net>**Subject:** Motion to dismiss the case

Counsel,

I am preparing a motion to have this case dismissed, the matter of Middle East Forum v. Lisa Barbounis, for failure to provide any 26a disclosures.

As far as I can tell, the only 26 a disclosure that you provided throughout this entire case was a one page document with the names of two experts. You did not provide this to me in accordance with the federal rules of civil procedure at the beginning of the case and within 14 days of the first status conference. You did not even provide it to me within the time for fact discovery. You provided it to me on the last day for expert discovery. Therefore, you have not identified a single witness to prove any of the claims in your case.

please let me know if I am mistaken in anyway. Did you provide a rule 26 a disclosure during the course of discovery? If so, I would ask that you provide me with the date and time of that disclosure, the email.

I have searched my records, and cannot find any indication that there was any 26 eight disclosure other than the disclosure you provided on the last day of expert discovery.

Before I bring this matter to the court I am giving you the opportunity to address it.

Get [Outlook for iOS](#)

NOTICE: This message (including any attachments) from Wiley Rein LLP may constitute an attorney-client communication and may contain information that is PRIVILEGED and CONFIDENTIAL and/or ATTORNEY WORK PRODUCT. If you are not an intended recipient, you are hereby notified that any dissemination of this message is strictly prohibited. If you have received this message in error, please do not read, copy or forward this message. Please permanently delete all copies and any attachments and notify the sender immediately by sending an e-mail to [Information@wiley.law](mailto:Information@wiley.law)